

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JULIAN ANTHONY GARZA,

12 Plaintiff,

13 v.

14 M. REYES, et al.,

15 Defendants.

16) No. C 15-00149 BLF (PR)

17) **ORDER GRANTING
ADDITIONAL EXTENSION OF
TIME TO FILE AMENDED
COMPLAINT**18 Plaintiff, a federal prisoner proceeding *pro se*, filed this civil action pursuant to
19 42 U.S.C. § 1983. The Court's prior order granted Plaintiff an extension of time to
20 May 22, 2015 to file his first amended complaint. The Court now grants Plaintiff an
21 extension of time to **June 22, 2015** to file his amended complaint.22 The amended complaint must include the caption and civil case number used in
23 this order (C 15-00149 BLF (PR)) and the words AMENDED COMPLAINT on the
24 first page. Because an amended complaint completely replaces the original complaint,
25 plaintiff must include in it all the claims he wishes to present, including claims that the
26 Court has already found cognizable. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th
27 Cir. 1992). Claims not included in an amended complaint are no longer claims and
28 defendants not named in an amended complaint are no longer defendants. *Id.* Plaintiff

1 may not incorporate material from the original complaint by reference. Failure to file
2 an amended complaint by the deadline set forth above and in accordance with this order
3 will result in a finding that further leave to amend would be futile, and the deficient
4 claim will be dismissed.

5 Plaintiff may also choose to forgo filing an amended complaint and proceed
6 solely on the claims which the Court has already found cognizable. If he wishes to
7 proceed solely on the cognizable claims, he shall so inform the Court by June 22, 2015.

8 This order terminates Docket No. 20.

9 **IT IS SO ORDERED.**

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11 DATED: May 29, 2015

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BETH LABSON FREEMAN
United States District Judge